REMARKS

Claims 1-11 are pending in this application. By this Amendment, claims 1 and 8-11 are amended. Support for the amendments can be found, for example, in the specification (*see* paragraphs [0018] and [0021]). No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Double Patenting

The Office Action rejects claims 1-9 under the judicially created doctrine of obviousness-type double patenting over claims 1-18 of U.S. Patent No. 7,391,546 to Hoshino et al. Without conceding to the propriety of the rejection, and in the interest of advancing prosecution, Applicants are simultaneously filing herewith a Terminal Disclaimer over the cited reference, thus obviating the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested

II. Rejection Under 35 U.S.C. §103

The Office Action rejects claims 1-11 under 35 U.S.C. §103(a) over EP 1 028 359 to Shiozawa et al. ("Shiozawa"). Applicants respectfully traverse the rejection.

By this Amendment, each of claims 1 and 8-11 recite:

> a cholesteric liquid crystal layer having a circularly polarized light selectivity of reflecting predetermined circularly polarized light as a first reflection light, the cholesteric liquid crystal layer having a side to which natural light may enter; and
>
> a multilayer film having a stacked structure in which first light transparent films having a first refraction index and second light transparent films having a second refraction index are alternately laminated in a thickness direction, the first light transparent film and the second light transparent film having an interface therebetween, and the interface repeatedly exists and reflects light so as to generate interfering light,

> wherein the multilayer film is provided to a side opposite to the side to which natural light may enter the cholesteric liquid crystal layer,
>
> the multilayer film reflects the interfering light as a second reflection light, and the discrimination medium is discriminated by using the first reflection light and the second reflection light....

Applicants respectfully submit that Shiozawa fails to disclose, or establish any reason or rationale to have provided, each and every feature of claims 1 and 8-11. Thus, Shiozawa would not have rendered obvious claims 1 and 8-11.

The Office Action asserts that Shiozawa discloses an authenticity identifying film with circular polarized light selectivity, cholesteric liquid layers and multiple layer films (*see* Office Action, page 4). The Office Action concedes that Shiozawa does not disclose a stacked multilayer film comprised of sets of light transparent films with different refraction indexes, separated by an interface. *Id.* The Office Action asserts it would have allegedly been obvious to rearrange and stack the polarizing parts of Shiozawa, to obtain a "highly esthetic design." *Id.* However, for at least the reasons described below, Applicants respectfully assert that Shiozawa would not have rendered obvious at least the above features of claims 1 and 8-11.

Shiozawa merely discloses an identifying film where one of its layers comprises a reflective film having a cholesteric liquid crystal phase with a hologram-forming part on one of its surfaces (Shiozawa, Fig. 1). The reflective film of the identifying film is capable of reflecting only right-handed and left-handed circularly polarized light (Shiozawa, paragraph [0008]), and thus the detecting unit is capable of detecting only light of a predetermined wavelength (Shiozawa, paragraph [0020]). During use, an examining tool is used to measure the difference in light intensity between right-handed circularly polarized light and left-

handed circularly polarized light in order to assess the authenticity of the object under examination (Shiozawa, paragraphs [0026] and [0091]).

In contrast to Shiozawa, when light enters the discrimination medium as claimed, right-handed circularly polarized light having a predetermined wavelength, for example, is reflected by the cholesteric liquid crystal layer, while right-handed circularly polarized light of a *different* wavelength, left-handed circularly polarized light, and linearly polarized light, for example, pass through the cholesteric liquid crystal layer and are reflected by each of a plurality of interfaces in a multilayer film, as recited in claims 1 and 8-11 (*see* Figs. 4 and 5). As a result of reflection that occurs at each interface of the multilayer film, left-handed circularly polarized light, for example, is generated as a second reflection light. Thus, when viewed at an angle, it is possible to observe, for example, both right-handed circularly polarized light as reflected by the cholesteric liquid crystal layer (first reflection light) and left-handed circularly polarized light as reflected by the multilayer film (second reflection light) simultaneously (*see* paragraphs [0022], [0026] and Fig. 6).

In addition, an optical filter may be used, for example, to block the first reflection light such that only the second reflection light can be viewed under filter (*see* paragraphs [0072] - [0074]). In such an embodiment, the discrimination medium can be designed such that the first and second reflection light exhibit the same color when viewed at a predetermined angle, but when separately viewed using an optical filter, the difference between the first and second reflection light can be discriminated. Thus, the combined effect of: (1) the cholesteric liquid crystal layer selectively reflecting predetermined circularly polarized light; and (2) the multilayer film *not* selectively reflecting circularly polarized light having an opposite direction to said predetermined circularly polarized light reflected by the cholesteric liquid crystal layer, working together, results in a discrimination medium capable of reflecting right-handed circularly polarized light, left-handed circularly polarized light, and

linearly polarized light (*see* paragraph [0029]) with optical characteristics that allow for distinguishing visual effects.

Based on the above, Shiozawa does not disclose a discrimination medium comprising, *inter alia*, (1) a cholesteric liquid crystal layer that selectively reflects light having a predetermined wavelength and predetermined circular polarization direction as a first reflection light, and transmits light having different polarizations or wavelengths; and (2) a multilayer film that reflects light transmitted by the cholesteric liquid crystal layer as a second reflection light, as recited in claims 1 and 8-11. As described above, Shiozawa discloses only a single-layer reflective film with a cholesteric liquid crystal phase that is capable of detecting light only of predetermined wavelengths.

Accordingly, Shiozawa fails to disclose each and every feature of claims 1 and 8-11. Aesthetic design changes, such as modifying the color of the light absorbing layer (Shiozawa, paragraph [0039]), are insufficient as an alleged motivation, reason, or rationale for one of ordinary skill in the art to have modified the identifying film of Shiozawa in the manner asserted by the Office Action at least because Shiozawa fails to provide any benefit or desirability for reflecting light that has a different wavelength or polarization from the light reflected by the cholesteric liquid crystal layer. Thus, for at least these reasons, Applicants respectfully submit that claims 1 and 8-11 would not have been rendered obvious by Shiozawa. Claims 2-7 variously depend from claim 1 and thus, would not have been rendered obvious by Shiozawa for at least the reasons described above.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Nicolas A. Brentlinger
Registration No. 62,211

JAO:SQL/scg

Attachment:
Terminal Disclaimer

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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